

ALASKA

18 AAC 70 WATER QUALITY STANDARDS

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CHAPTER 70. WATER QUALITY STANDARDS.

Article

1. Statewide Standards (18 AAC 70.010 - 18 AAC 70.050)
2. Exceptions to Statewide Standards (18 AAC 70.200 - 18 AAC 70.270)
3. General Provisions (18 AAC 70.900 - 18 AAC 70.990)

Editor's note: The regulations in this chapter, effective November 1, 1997, and distributed in Register 143, constitute a comprehensive reorganization and revision of this material. They replace previous regulations in this chapter that were repealed or amended simultaneously with the adoption of these regulations. The history line at the end of each section does not reflect the history of the replaced provisions before November 1, 1997, nor is the section numbering necessarily related to the numbering before that date. Some regulations in this chapter were in effect before 7/28/59. Previous amendments to this chapter may be reviewed at the Office of the Lieutenant Governor and may be found at Register 34, 5/24/70; Register 39, 8/28/71; Register 44, 10/22/72; Register 47, 8/12/73; Register 67, 8/21/78; Register 69, 2/2/79; Register 70, 4/23/79; Register 71, 9/19/79; Register 84, 12/19/82; Register 89, 3/30/84; Register 91, 9/22/84; Register 94, 6/23/85; Register 100, 1/7/87; Register 107, 9/15/88; Register 112, 11/30/89; Register 133, 1/4/95; and Register 137, 3/16/96.

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ARTICLE 1. STATEWIDE STANDARDS.

Section

- 05. Nonapplicability of groundwater provisions
- 10. General
- 15. Antidegradation policy
- 20. Protected water use classes and subclasses; water quality criteria; water quality standards table
- 25. Human health risk level for carcinogenic substances
- 30. Whole effluent toxicity limit
- 40. Procedure for applying water quality criteria
- 50. Classification of state water

18 AAC 70.005. NONAPPLICABILITY OF GROUNDWATER PROVISIONS.

(a) Except as provided in (b) of this section, the provisions of this chapter that are applicable to groundwater do not apply to a response action, a cleanup, or a corrective action approved by

(1) the department under 18 AAC 60.440, 18 AAC 60.860, 18 AAC 75, or 18 AAC 78, except as this chapter is specifically made applicable by 18 AAC 60, 18 AAC 75, or 18 AAC 78; or

(2) the United States Environmental Protection Agency (EPA) under 42 U.S.C. 9601-9675 (Comprehensive Environmental Response, Compensation, and Liability Act of 1980) or 42 U.S.C. 6901-6992k (Solid Waste Disposal Act, as amended by the Resource Conservation Recovery Act), if the response, cleanup, or corrective action meets, at a minimum, the site cleanup rules at 18 AAC 75.325-18 AAC 75.390.

(b) This section does not affect the application of this chapter to contaminated surface water and sediment. (Eff 1/22/99, Register 149)

Authority:	AS 46.03.010	AS 46.03.070	AS 46.03.100
	AS 46.03.020	AS 46.03.080	AS 46.03.110
	AS 46.03.050	AS 46.03.090	AS 46.03.720

18 AAC 70.010. GENERAL. (a) A person may not conduct an operation that causes or contributes to a violation of the water quality standards set by this chapter.

(b) The water quality standards set by this chapter specify the degree of degradation that may not be exceeded in a waterbody as a result of human actions. The water quality standards are set by the antidegradation policy in 18 AAC 70.015, the water quality criteria in 18 AAC 70.020(b), and the limits in 18 AAC 70.030, applied in accordance with the remainder of this chapter.

(c) Except as specified in an authorization issued under 18 AAC 15, 18 AAC 60, or 18 AAC 72, the water quality standards and limits set by or under this chapter do not apply to a

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treatment works authorized by the department under 18 AAC 60 or 18 AAC 72, except that the water quality criteria and limits set by or under this chapter must be met in adjacent surface water and groundwater at and beyond the boundary of the treatment works. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.010 AS 46.03.080 AS 46.03.110
AS 46.03.020 AS 46.03.090 AS 46.03.710
AS 46.03.050 AS 46.03.100 AS 46.03.720
AS 46.03.070

18 AAC 70.015. ANTIDegradation Policy. (a) It is the state's antidegradation policy that

(1) existing water uses and the level of water quality necessary to protect existing uses must be maintained and protected;

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(2) if the quality of a water exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality must be maintained and protected unless the department, in its discretion, upon application, and after compliance with (b) of this section, allows the reduction of water quality for a short-term variance under 18 AAC 70.200, a zone of deposit under 18 AAC 70.210, a mixing zone under 18 AAC 70.240, or another purpose as authorized in a department permit, certification, or approval; the department will authorize a reduction in water quality only after the applicant submits evidence in support of the application and the department finds that

(A) allowing lower water quality is necessary to accommodate important economic or social development in the area where the water is located;

(B) except as allowed under this subsection, reducing water quality will not violate the applicable criteria of 18 AAC 70.020 or 18 AAC 70.235 or the whole effluent toxicity limit in 18 AAC 70.030;

(C) the resulting water quality will be adequate to fully protect existing uses of the water;

(D) the methods of pollution prevention, control, and treatment found by the department to be the most effective and reasonable will be applied to all wastes and other substances to be discharged; and

(E) all wastes and other substances discharged will be treated and controlled to achieve

(i) for new and existing point sources, the highest statutory and regulatory requirements; and

(ii) for nonpoint sources, all cost-effective and reasonable best management practices;

(3) if a high quality water constitutes an outstanding national resource, such as a water of a national or state park or wildlife refuge or a water of exceptional recreational or ecological significance, the quality of that water must be maintained and protected; and

(4) if potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy described in this section is subject to 33 U.S.C. 1326 (commonly known as sec. 316 of the Clean Water Act).

(b) An applicant for a permit, certification, or approval who seeks to reduce water quality as described in (a) of this section shall provide to the department all information reasonably necessary for a decision on the application, including the information and demonstrations required in (a) of this section and other information that the department finds necessary to meet the requirements of this section.

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(c) An application received under (a) of this section is subject to the public participation and intergovernmental review procedures applicable to the permit, certification, or approval sought, including procedures for applications subject to the Alaska Coastal Management Program in AS 46.40 and 6 AAC 50, and applications subject to 18 AAC 15. If the department certifies a federal permit, the public participation and intergovernmental review procedures followed by the federal agency issuing that permit will meet the requirements of this subsection. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.010 AS 46.03.080 AS 46.03.110
AS 46.03.020 AS 46.03.090 AS 46.03.710
AS 46.03.050 AS 46.03.100 AS 46.03.720
AS 46.03.070

**18 AAC 70.020. PROTECTED WATER USE CLASSES AND SUBCLASSES;
WATER QUALITY CRITERIA; WATER QUALITY STANDARDS TABLE.** (a)
Classes and subclasses of use of the state's water protected by criteria set out under (b) of this section are

(1) fresh water

(A) water supply

- (i) drinking, culinary, and food processing;
- (ii) agriculture, including irrigation and stock watering;
- (iii) aquaculture;
- (iv) industrial;

(B) water recreation

- (i) contact recreation;
- (ii) secondary recreation;

(C) growth and propagation of fish, shellfish, other aquatic life, and wildlife; and

(2) marine water

(A) water supply

- (i) aquaculture;

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- (ii) seafood processing;
- (iii) industrial;

(B) water recreation

- (i) contact recreation;
- (ii) secondary recreation;

(C) growth and propagation of fish, shellfish, other aquatic life, and wildlife; and

(D) harvesting for consumption of raw mollusks or other raw aquatic life.

(b) Except as modified by or under 18 AAC 70.220 or 18 AAC 70.235, the water quality criteria set out in the following table, in combination with the classes and subclasses of water use set out in the following table, constitute the water quality standards for a particular waterbody; the water quality standards regulate human activities that result in alterations to waters within the state's jurisdiction:

(1) FRESH WATER USES	FECAL COLIFORM BACTERIA (FC) (See note 1)	DISSOLVED GAS
(A) Water Supply (i) drinking, culinary, and food processing	In a 30-day period, the geometric mean may not exceed 20 FC/100 ml, and not more than 10% of the samples may exceed 40 FC/100 ml. For groundwater, the FC concentration must be less than 1 FC/100 ml, using the fecal coliform Membrane Filter Technique, or less than 3 FC/100 ml, using the fecal coliform most probable number (MPN) technique.	Dissolved oxygen (D.O.) must be greater than or equal to 4 mg/l (this does not apply to lakes or reservoirs in which supplies are taken from below the thermocline, or to groundwater).
(A) Water Supply (ii) agriculture, including irrigation and stock watering	The geometric mean of samples taken in a 30-day period may not exceed 200 FC/100 ml, and not more than 10% of the samples may exceed 400 FC/100 ml. For products not normally cooked and for dairy sanitation of unpasteurized products, the criteria for drinking water supply, (1)(A)(i), apply.	D.O. must be greater than 3 mg/l in surface waters.
(A) Water Supply (iii) aquaculture	For products normally cooked, the geometric mean of samples taken in a 30-day period may not exceed 200 FC/100 ml, and not more than 10% of the samples may exceed 400 FC/100 ml. For products not normally cooked, the criteria for drinking water supply, (1)(A)(i), apply.	D.O. must be greater than 7 mg/l in surface waters. The concentration of D.O. may not exceed 110% of saturation at any point of sample collection.
(A) Water Supply (iv) industrial	Where worker contact is present, the geometric mean of samples taken in a 30-day period may not exceed 200 FC/100 ml, and not more than 10% of the samples may exceed 400 FC/100 ml.	May not cause detrimental effects on established water supply treatment levels.
(B) Water Recreation (i) contact recreation	In a 30-day period, the geometric mean of samples may not exceed 100 FC/100 ml, and not more than one sample, or more than 10% of the samples if there are more than 10 samples, may exceed 200 FC/100 ml.	D.O. must be greater than or equal to 4 mg/l.
(B) Water Recreation (ii) secondary recreation	In a 30-day period, the geometric mean of samples may not exceed 200 FC/100 ml, and not more than 10% of the total samples may exceed 400 FC/100 ml.	Same as (1)(B)(i).
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Not applicable.	D.O. must be greater than 7 mg/l in waters used by anadromous and resident fish. In no case may D.O. be less than 5 mg/l to a depth of 20 cm in the interstitial waters of gravel used by anadromous or resident fish for spawning (See note 2). For waters not used by anadromous or resident fish, D.O. must be greater than or equal to 5 mg/l. In no case may D.O. be greater than 17 mg/l. The concentration of D.O. may not exceed 110% of saturation at any point of sample collection.

(1) FRESH WATER USES	PH (Variation of pH for waters naturally outside the specified range must be toward the range)	TURBIDITY (not applicable to groundwater)
(A) Water Supply (i) drinking, culinary, and food processing	May not be less than 6.0 or greater than 8.5. May not vary more than 0.5 pH unit from natural conditions.	May not exceed 5 nephelometric turbidity units (NTU) above natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 25 NTU.
(A) Water Supply (ii) agriculture, including irrigation and stock watering	May not be less than 5.0 or greater than 9.0; for dairy sanitation, pH may not be less than 6.8 or greater than 8.5.	May not cause detrimental effects on indicated use.
(A) Water Supply (iii) aquaculture	May not be less than 6.5 or greater than 8.5. May not vary more than 0.5 pH unit from natural conditions.	May not exceed 25 NTU above natural conditions. For all lake waters, may not exceed 5 NTU above natural conditions.
(A) Water Supply (iv) industrial	May not be less than 5.0 or greater than 9.0.	May not cause detrimental effects on established water supply treatment levels.
(B) Water Recreation (i) contact recreation	May not be less than 6.5 or greater than 8.5. May not vary more than 0.5 pH unit from natural conditions. If the natural condition pH is outside this range, substances may not be added that cause an increase in the buffering capacity of the water.	May not exceed 5 NTU above natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 15 NTU. May not exceed 5 NTU above natural turbidity for all lake waters.
(B) Water Recreation (ii) secondary recreation	Same as (1)(A)(iv).	May not exceed 10 NTU above natural conditions when natural turbidity is 50 NTU or less, and may not have more than 20% increase in turbidity when the natural turbidity is greater than 50 NTU, not to exceed a maximum increase of 15 NTU. For all lake waters, turbidity may not exceed 5 NTU above natural turbidity.
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	May not be less than 6.5 or greater than 9.0. May not vary more than 0.5 pH unit from natural conditions.	Same as (1)(A)(iii).

(1) FRESH WATER USES	TEMPERATURE	DISSOLVED INORGANIC SUBSTANCES								
(A) Water Supply (i) drinking, culinary, and food processing	May not exceed 15°C.	Total dissolved solids (TDS) from all sources may not exceed 500 mg/l. Neither chlorides nor sulfates may exceed 200 mg/l.								
(A) Water Supply (ii) agriculture, including irrigation and stock watering	May not exceed 30°C.	TDS may not exceed 1,000 mg/l. Sodium absorption ratio must be less than 2.5, sodium percentage less than 60%, residual carbonate less than 1.25 mg/l, and boron less than 0.3 mg/l. (See note 6).								
(A) Water Supply (iii) aquaculture	<p>May not exceed 20°C at any time. The following maximum temperatures may not be exceeded, where applicable:</p> <table data-bbox="423 705 813 831"> <tr> <td>Migration routes</td> <td>15°C</td> </tr> <tr> <td>Spawning areas</td> <td>13°C</td> </tr> <tr> <td>Rearing areas</td> <td>15°C</td> </tr> <tr> <td>Egg & fry incubation</td> <td>13°C</td> </tr> </table> <p>For all other waters, the weekly average temperature may not exceed site-specific requirements needed to preserve normal species diversity or to prevent appearance of nuisance organisms.</p>	Migration routes	15°C	Spawning areas	13°C	Rearing areas	15°C	Egg & fry incubation	13°C	TDS may not exceed 1,500 mg/l, including natural conditions. Increase in TDS may not exceed one-third of the concentration of the natural condition of the waterbody.
Migration routes	15°C									
Spawning areas	13°C									
Rearing areas	15°C									
Egg & fry incubation	13°C									
(A) Water Supply (iv) industrial	May not exceed 25°C.	No amounts above natural conditions that can cause corrosion, scaling, or process problems.								
(B) Water Recreation (i) contact recreation	Same as (1)(A)(ii).	Not applicable.								
(B) Water Recreation (ii) secondary recreation	Not applicable.	Not applicable.								
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Same as (1)(A)(iii).	Same as (1)(A)(iii).								

(1) FRESH WATER USES	SEDIMENT (Not applicable to groundwater)	TOXIC AND OTHER DELETERIOUS ORGANIC AND INORGANIC SUBSTANCES

(1) FRESH WATER USES	SEDIMENT (Not applicable to groundwater)	TOXIC AND OTHER DELETERIOUS ORGANIC AND INORGANIC SUBSTANCES
(A) Water Supply (i) drinking, culinary, and food processing	No measurable increase in concentration of settleable solids above natural conditions, as measured by the volumetric Imhoff cone method (See note 13).	Substances may not exceed Alaska Drinking Water Standards (18 AAC 80) or, where those standards do not exist, EPA <i>Quality Criteria for Water</i> (See note 5).
(A) Water Supply (ii) agriculture, including irrigation and stock watering	For sprinkler irrigation, water must be free of particles of 0.074 mm or coarser. For irrigation or water spreading, may not exceed 200 mg/l for an extended period of time.	Same as (1)(A)(i) where contact with a product destined for human consumption is present. Same as (1)(C) or Federal Water Pollution Control Administration, <i>Water Quality Criteria (WQC/FWPCA)</i> , as applicable to substances for stockwaters; concentrations for irrigation waters may not exceed <i>WQC/FWPCA</i> or <i>WQC 1972</i> (See notes 6 and 7).
(A) Water Supply (iii) aquaculture	No imposed loads that will interfere with established water supply treatment levels.	Same as (1)(C).
(A) Water Supply (iv) industrial	Same as (1)(A)(iii).	Substances that pose hazards to worker contact may not be present.
(B) Water Recreation (i) contact recreation	Same as (1)(A)(i).	Same as (1)(A)(i).
(B) Water Recreation (ii) secondary recreation	May not pose hazards to incidental human contact or cause interference with the use.	Substances that pose hazards to incidental human contact may not be present.
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	The percent accumulation of fine sediment in the range of 0.1 mm to 4.0 mm in the gravel bed of waters used by anadromous or resident fish for spawning may not be increased more than 5% by weight above natural conditions (as shown from grain size accumulation graph). In no case may the 0.1 mm to 4.0 mm fine sediment range in those gravel beds exceed a maximum of 30% by weight (as shown from grain size accumulation graph). (See notes 3 and 4). In all other surface waters no sediment loads (suspended or deposited) that can cause adverse effects on aquatic animal or plant life, their reproduction or habitat may be present.	Individual substances may not exceed criteria in EPA, <i>Quality Criteria for Water</i> (See note 5) or, if those criteria do not exist, may not exceed the Primary Maximum Contaminant Levels of the Alaska Drinking Water Standards (18 AAC 80). If those criteria are absent, or if the department finds that the criteria are not appropriate for sensitive resident Alaskan species, the department will, in its discretion, establish in regulation chronic and acute criteria to protect sensitive and biologically important life stages of resident Alaskan species, using methods approved by EPA or alternate methods approved by the department. There may be no concentrations of toxic substances in water or in shoreline or bottom sediments, that, singly or in combination, cause, or reasonably can be expected to cause, toxic effects on aquatic life, except as authorized by this chapter. Substances may not be present in concentrations that individually or in combination impart undesirable odor or taste to fish or other aquatic organisms, as determined by either bioassay or organoleptic tests (See note 5).

(1) FRESH WATER USES	COLOR (See note 9)	PETROLEUM HYDROCARBONS, OILS AND GREASE
(A) Water Supply (i) drinking, culinary, and food processing	May not exceed 15 color units or the natural condition, whichever is greater.	May not cause a visible sheen upon the surface of the water. May not exceed concentrations that individually or in combination impart odor or taste as determined by organoleptic tests.
(A) Water Supply (ii) agriculture, including irrigation and stock watering	Not applicable.	May not cause a visible sheen upon the surface of the water.
(A) Water Supply (iii) aquaculture	May not exceed 50 color units or the natural condition, whichever is greater.	Total aqueous hydrocarbons (TAqH) in the water column may not exceed 15 µg/l (See note 8). Total aromatic hydrocarbons (TAH) in the water column may not exceed 10 µg/l (See note 8). There may be no concentrations of petroleum hydrocarbons, animal fats, or vegetable oils in shoreline or bottom sediments that cause deleterious effects to aquatic life. Surface waters and adjoining shorelines must be virtually free from floating oil, film, sheen, or discoloration.
(A) Water Supply (iv) industrial	May not cause detrimental effects on established water supply treatment levels.	May not make the water unfit or unsafe for the use.
(B) Water Recreation (i) contact recreation	Same as (1)(A)(i).	May not cause a film, sheen, or discoloration on the surface or floor of the waterbody or adjoining shorelines. Surface waters must be virtually free from floating oils.
(B) Water Recreation (ii) secondary recreation	May not interfere with or make the water unfit or unsafe for the use.	Same as (1)(B)(i).
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Color or apparent color may not reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonally established norm for aquatic life. For all waters without a seasonally established norm for aquatic life, color or apparent color may not exceed 50 color units or the natural condition, whichever is greater.	Same as (1)(A)(iii).

(1) FRESH WATER USE	RADIOACTIVITY	TOTAL RESIDUAL CHLORINE
(A) Water Supply (i) drinking, culinary, and food processing	May not exceed the concentrations specified in the Alaska Drinking Water Standards (18 AAC 80) and may not exceed limits specified in 10 C.F.R. 20 (See note 10) and National Bureau of Standards, Handbook 69 (See note 11).	Not applicable.
(A) Water Supply (ii) agriculture, including irrigation and stock watering	Same as (1)(A)(i).	Not applicable.
(A) Water Supply (iii) aquaculture	Same as (1)(A)(i) except that concentration factors for organisms involved may not exceed maximum permissible limits for specific radioisotopes and unidentified mixtures as established by 10 C.F.R. 20 (See note 10) and National Bureau of Standards, Handbook 69 (See note 11).	May not exceed 2.0 µg/l for salmonid fish or 10.0 µg/l for other organisms.
(A) Water Supply (iv) industrial	Same as (1)(A)(i).	Not applicable.
(B) Water Recreation (i) contact recreation	Same as (1)(A)(i).	Not applicable.
(B) Water Recreation (ii) secondary recreation	Same as (1)(A)(i).	Not applicable.
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Same as (1)(A)(iii).	Same as (1)(A)(iii).

(1) FRESH WATER USES	RESIDUES Floating Solids, Debris, Sludge, Deposits, Foam, Scum, or Other Residues (not applicable to groundwater)
(A) Water Supply (i) drinking, culinary, and food processing	May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines, cause leaching of toxic or deleterious substances, or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.
(A) Water Supply (ii) agriculture, including irrigation and stock watering	May not be present in quantities to cause soil plugging or reduced crop yield, or to make the water unfit or unsafe for the use.
(A) Water Supply (iii) aquaculture	May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use.
(A) Water Supply (iv) industrial	Same as (1)(A)(iii).
(B) Water Recreation (i) contact recreation	Same as (1)(A)(i).
(B) Water Recreation (ii) secondary recreation	Same as (1)(A)(i).
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use, or cause acute or chronic problem levels as determined by bioassay or other appropriate methods. May not, alone or in combination with other substances, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines, or cause leaching of toxic or deleterious substances, or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.

(2) MARINE WATER USES	FECAL COLIFORM BACTERIA (FC) (See note 1)	DISSOLVED GAS
(A) Water Supply (i) aquaculture	For products normally cooked, the geometric mean of samples taken in a 30-day period may not exceed 200 FC/100 ml, and not more than 10% of the samples may exceed 400 FC/100 ml. For products not normally cooked, the geometric mean of samples taken in a 30-day period may not exceed 20 FC/100 ml, and not more than 10% of the samples may exceed 40 FC/100 ml.	Surface dissolved oxygen (D.O.) concentration in coastal water may not be less than 6.0 mg/l for a depth of one meter except when natural conditions cause this value to be depressed. D.O. may not be reduced below 4 mg/l at any point beneath the surface. D.O. concentrations in estuaries and tidal tributaries may not be less than 5.0 mg/l except where natural conditions cause this value to be depressed. In no case may D.O. levels exceed 17 mg/l. The concentration of D.O. may not exceed 110% of saturation at any point of sample collection.
(A) Water Supply (ii) seafood processing	In a 30-day period, the geometric mean of samples may not exceed 20 FC/100 ml, and not more than 10% of the samples may exceed 40 FC/100 ml.	D.O. must be greater than or equal to 5 mg/l.
(A) Water Supply (iii) industrial	Where worker contact is present, the geometric mean of samples taken in a 30-day period may not exceed 200 FC/100 ml, and not more than 10% of the samples may exceed 400 FC/100 ml.	Not applicable.
(B) Water Recreation (i) contact recreation	In a 30-day period, the geometric mean of samples may not exceed 100 FC/100 ml, and not more than one sample, or more than 10% of the samples if there are more than 10 samples, may exceed 200 FC/100 ml.	Same as (2)(A)(i).
(B) Water Recreation (ii) secondary recreation	In a 30-day period, the geometric mean of samples may not exceed 200 FC/100 ml, and not more than 10% of the samples may exceed 400 FC/100 ml.	Same as (2)(A)(i).
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Not applicable.	Same as (2)(A)(i).
(D) Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life	Based on a 5-tube decimal dilution test, the fecal coliform median MPN may not exceed 14 FC/100 ml, and not more than 10% of the samples may exceed a fecal coliform median MPN of 43 FC/100 ml.	Same as (2)(A)(i).

(2) MARINE WATER USES	pH (Variation of pH for waters naturally outside the specified range must be toward the range)	TURBIDITY
(A) Water Supply (i) aquaculture	May not be less than 6.5 or greater than 8.5, and may not vary more than 0.1 pH unit from natural conditions.	May not exceed 25 nephelometric turbidity units (NTU).
(A) Water Supply (ii) seafood processing	May not be less than 6.0 or greater than 8.5, and may not vary more than 0.5 pH unit from natural conditions.	May not interfere with disinfection.
(A) Water Supply (iii) industrial	May not be less than 5.0 or greater than 9.0.	May not cause detrimental effects on established levels of water supply treatment.
(B) Water Recreation (i) contact recreation	May not be less than 6.5 or greater than 8.5. If the natural pH condition is outside this range, substances may not be added that cause any increase in buffering capacity of the water.	Same as (2)(A)(i).
(B) Water Recreation (ii) secondary recreation	Same as (2)(A)(iii).	Same as (2)(A)(i).
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Same as (2)(A)(i).	May not reduce the depth of the compensation point for photosynthetic activity by more than 10%. May not reduce the maximum secchi disk depth by more than 10%.
(D) Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life	Same as (2)(A)(ii).	Same as (2)(C).

(2) MARINE WATER USES	TEMPERATURE	DISSOLVED INORGANIC SUBSTANCES								
(A) Water Supply (i) aquaculture	May not cause the weekly average temperature to increase more than 1°C. The maximum rate of change may not exceed 0.5°C per hour. Normal daily temperature cycles may not be altered in amplitude or frequency.	A human-induced alteration may not cause a change in the water's isohaline patterns of more than ± 10% of the natural variations.								
(A) Water Supply (ii) seafood processing	May not exceed 15°C.	Not applicable.								
(A) Water Supply (iii) industrial	May not exceed 25°C.	No amounts above natural conditions that can cause corrosion, scaling, or process problems.								
(B) Water Recreation (i) contact recreation	Not applicable.	Not applicable.								
(B) Water Recreation (ii) secondary recreation	Not applicable.	Not applicable.								
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life and Wildlife	Same as (2)(A)(i).	Maximum allowable variation above natural salinity: <table data-bbox="971 1079 1505 1289" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Natural Salinity*</th> <th style="text-align: left;">Human-Induced Salinity*</th> </tr> </thead> <tbody> <tr> <td>00.0 to 03.5</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Greater than 03.5 to 13.5</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Greater than 13.5 to 35.0</td> <td style="text-align: center;">4</td> </tr> </tbody> </table> * parts per thousand	Natural Salinity*	Human-Induced Salinity*	00.0 to 03.5	1	Greater than 03.5 to 13.5	2	Greater than 13.5 to 35.0	4
Natural Salinity*	Human-Induced Salinity*									
00.0 to 03.5	1									
Greater than 03.5 to 13.5	2									
Greater than 13.5 to 35.0	4									
(D) Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life	Same as (2)(A)(i).	Same as (2)(A)(i) or (2)(C), whichever is more stringent.								

(2) MARINE WATER USES	SEDIMENT	TOXICS AND OTHER DELETERIOUS ORGANIC AND INORGANIC SUBSTANCES
(A) Water Supply (i) aquaculture	No imposed loads that will interfere with established water supply treatment levels.	Same as (2)(C).
(A) Water Supply (ii) seafood processing	Below normally detectable amounts.	Individual substances may not exceed criteria in EPA, <i>Quality Criteria for Water</i> (See note 5) as applicable to the substance.
(A) Water Supply (iii) industrial	Same as (2)(A)(i).	Substances that pose hazards to worker contact may not be present.
(B) Water Recreation (i) contact recreation	No measurable increase in concentration of settleable solids above natural conditions, as measured by the volumetric Imhoff cone method (See note 13).	Same as (2)(A)(ii).
(B) Water Recreation (ii) secondary recreation	May not pose hazards to incidental human contact or cause interference with the use.	Substances that pose hazards to incidental human contact may not be present.
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Same as (2)(B)(i).	Individual substances may not exceed criteria in EPA, <i>Quality Criteria for Water</i> (See note 5) or, if those criteria do not exist, may not exceed the Primary Maximum Contaminant Levels of the Alaska Drinking Water Standards (18 AAC 80). If those criteria are absent, or if the department finds that the criteria are not appropriate for sensitive resident Alaskan species, the department will, in its discretion, establish in regulation chronic and acute criteria to protect sensitive and biologically important life stages of resident Alaskan species, using methods approved by EPA or alternate methods approved by the department. There may be no concentrations of toxic substances in water or in shoreline or bottom sediments, that, singly or in combination, cause, or reasonably can be expected to cause, toxic effects on aquatic life, except as authorized by this chapter. Substances may not be present in concentrations that individually or in combination impart undesirable odor or taste to fish or other aquatic organisms, as determined by either bioassay or organoleptic tests (See note 5).
(D) Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life	Not applicable.	Same as (2)(C).

(2) MARINE WATER USES	COLOR (See note 9)	PETROLEUM HYDROCARBONS, OILS AND GREASE

(2) MARINE WATER USES	COLOR (See note 9)	PETROLEUM HYDROCARBONS, OILS AND GREASE
(A) Water Supply (i) aquaculture	May not exceed 50 color units or the natural condition, whichever is greater.	Total aqueous hydrocarbons (TAqH) in the water column may not exceed 15 µg/l (See note 8). Total aromatic hydrocarbons (TAH) in the water column may not exceed 10 µg/l (See note 8). There may be no concentrations of petroleum hydrocarbons, animal fats, or vegetable oils in shoreline or bottom sediments that cause deleterious effects to aquatic life. Surface waters and adjoining shorelines must be virtually free from floating oil, film, sheen, or discoloration.
(A) Water Supply (ii) seafood processing	May not exceed 15 color units or the natural condition, whichever is greater.	May not cause a film, sheen, or discoloration on the surface or floor of the waterbody or adjoining shorelines. Surface waters must be virtually free from floating oils. May not exceed concentrations that individually or in combination impart odor or taste as determined by organoleptic tests.
(A) Water Supply (iii) industrial	Not applicable.	May not make the water unfit or unsafe for the use.
(B) Water Recreation (i) contact recreation	Same as (2)(A)(ii).	May not cause a film, sheen, or discoloration on the surface or floor of the waterbody or adjoining shorelines. Surface waters must be virtually free from floating oils.
(B) Water Recreation (ii) secondary recreation	Surface waters must be free of substances that produce objectionable color.	Same as (2)(B)(i).
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Color or apparent color may not reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonally established norm for aquatic life. For all waters without a seasonally established norm for aquatic life, color or apparent color may not exceed 50 color units or the natural condition, whichever is greater.	Same as (2)(A)(i).
(D) Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life	Same as (2)(C).	May not exceed concentrations that individually or in combination impart undesirable odor or taste to organisms as determined by bioassay or organoleptic tests.

(2) MARINE WATER USES	RADIOACTIVITY	TOTAL RESIDUAL CHLORINE
(A) Water Supply (i) aquaculture	May not exceed the concentrations specified in the Alaska Drinking Water Standards (18 AAC 80). Concentration factors for organisms involved may not exceed maximum permissible limits for specific radioisotopes and unidentified mixtures as established in 10 C.F.R. 20 (See note 10) and National Bureau of Standards, Handbook 69 (See note 11).	Concentrations may not exceed 2.0 µg/l for salmonid fish, or 10.0 µg/l for other organisms.
(A) Water Supply (ii) seafood processing	May not exceed the concentrations specified in the Alaska Drinking Water Standards (18 AAC 80) and may not exceed limits specified in 10 C.F.R. 20 (See Note 10) or National Bureau of Standards, Handbook 69 (See note 11).	Not applicable.
(A) Water Supply (iii) industrial	Same as (2)(A)(ii).	Not applicable.
(B) Water Recreation (i) contact recreation	Same as (2)(A)(ii).	Not applicable.
(B) Water Recreation (ii) secondary recreation	Same as (2)(A)(ii).	Not applicable.
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Same as (2)(A)(i).	Same as (2)(A)(i).
(D) Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life	Same as (2)(A)(i).	May not exceed 1 mg/l at any time.

(2) MARINE WATER USES	RESIDUES Floating Solids, Debris, Sludge, Deposits, Foam, Scum, or Other Residues
(A) Water Supply (i) aquaculture	May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use. May not cause detrimental effects on established water supply treatment levels.
(A) Water Supply (ii) seafood processing	May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use; cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.
(A) Water Supply (iii) industrial	May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use.
(B) Water Recreation (i) contact recreation	Same as (2)(A)(ii).
(B) Water Recreation (ii) secondary recreation	Same as (2)(A)(ii).
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use, or cause acute or chronic problem levels as determined by bioassay or other appropriate methods. May not, alone or in combination with other substances, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.
(D) Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life	May not make the water unfit or unsafe for the use; cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.

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Notes to table:

1. Wherever cited in this section, fecal coliform bacteria must be determined by the membrane filter technique or most probable number procedure according to *Standard Methods for the Examination of Water and Wastewater*, 18th edition, 1992 (see (c)(1) of this section) or in accordance with other standards approved by the department and the United States Environmental Protection Agency (EPA).
2. Wherever cited in this chapter, dissolved oxygen (DO) concentrations in interstitial waters of gravel beds will be measured using the technique found in *Variations in the Dissolved Oxygen Content of Intragravel Water in Four Spawning Streams of Southeastern Alaska*, Special Scientific Report - Fisheries No. 402, February 1962, by William J. McNeil, available from the United States Department of the Interior. See note 14.
3. Wherever cited in this chapter, fine sediments must be sampled by the method described in *An Improved Technique for Freeze Sampling Streambed Sediments*, United States Department of Agriculture (USDA) Forest Service Research Note PNW-281, October 1976, by William J. Walkotten, available from the USDA Forest Service Pacific Northwest Forest and Range Experiment Station, P.O. Box 909, Juneau, AK 99802, or by the technique found in *Success of Pink Salmon Spawning Relative to Size of Spawning Bed Materials*, Special Scientific Report Fisheries No. 469, January 1964, by William J. McNeil and W.H. Ahnell, pages 1 through 3, available from the United States Fish and Wildlife Service. See note 14.
4. Wherever cited in this chapter, percent accumulation of fine sediments will be measured by the technique found in the *Manual on Test Sieving Methods*, Guidelines for Establishing Sieve Analysis Procedures, STP 447A, 1972 edition, available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. See note 14.
5. The term "EPA Quality Criteria for Water" includes *Quality Criteria for Water*, July 1976, United States Environmental Protection Agency, Washington, D.C. 20460, United States Government Printing Office: 1977 0-222-904, the Ambient Water Quality Criteria for the 64 toxic pollutants listed in the Federal Register, Vol. 45, No. 231, pg. 79318, November 1980, the Ambient Water Quality Criteria Document for 2, 3, 7, 8-tetrachlorodibenzodioxin (TCDD) listed in the Federal Register, Vol. 49, No. 32, pg. 5831, February 1984, and the final ambient water quality criteria documents listed in the Federal Register, Vol. 50, No. 145, pg. 30784, July 1985. These documents may be seen at the department's Juneau office or may be purchased through the National Technical Information Service, United States Department of Commerce, Springfield, Virginia 22161.
6. *The Report of the Committee on Water Quality Criteria*, Federal Water Pollution Control Administration, Washington, D.C., April 1, 1968, available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. See note 14.

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- 7.** *Water Quality Criteria 1972*, Environmental Studies Board of the National Academy of Sciences and the National Academy of Engineering, Washington, D.C., 1972, EPA-R3-73-033, March 1973, is available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20204 (Stock No. 5501-00520). See note 14.
- 8.** Samples to determine concentrations of total aromatic hydrocarbons (TAH) and total aqueous hydrocarbons (TAqH) must be collected in marine and fresh waters below the surface and away from any observable sheen. Concentrations of TAqH must be determined and summed using a combination of: (A) EPA Method 602 (plus Xylenes) to quantify monoaromatic hydrocarbons and to measure TAH; and (B) EPA Method 610 to quantify polynuclear aromatic hydrocarbons. Use of an alternative method requires department approval. The EPA methods referred to in this note may be found in 40 C.F.R. 136, Appendix A, as amended as of February 14, 1996, adopted by reference. They may be reviewed at the department or are available from the Office of Monitoring Systems and Quality Assurance, Office of Research and Development, United States Environmental Protection Agency, Washington, D.C. 20460.
- 9.** Color is as measured in color units on the platinum-cobalt scale according to *Standard Methods for the Examination of Water and Wastewater*, 18th edition, 1992 (see (c)(1) of this section).
- 10.** Wherever cited in this chapter, 10 C.F.R. Part 20 means the Standards for Protection Against Radiation published in the Code of Federal Regulations, January 1, 1978. See note 14.
- 11.** Wherever cited in this chapter, *National Bureau of Standards Handbook 69* means *Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and Water for Occupational Exposure*, United States Department of Commerce, National Bureau of Standards Handbook 69, June 5, 1959, available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. See note 14.
- 12.** Repealed 4/29/99.
- 13.** Volumetric measurements of settleable solids must be determined according to the following procedure: fill an Imhoff cone to the one-liter mark with thoroughly mixed sample; settle for 45 minutes; gently stir sides of cone with a rod or by spinning; settle 15 minutes longer, and record volume of settleable matter in the cone as milliliters per liter; if the settled matter contains pockets of liquid between large settled particles, estimate volume of these and subtract from volume of settled matter.
- 14.** The cited document is on file in the lieutenant governor's office and may be seen at the department office in Anchorage, Fairbanks, and Juneau.

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(c) Water quality will be analyzed according to

(1) *Standard Methods for the Examination of Water and Wastewater*, 18th edition, 1992, published jointly by the American Public Health and American Water Works Associations, and the Water Environment Federation (publication office: American Public Health Association, 1015 15th Street NW, Washington, D.C. 20005);

(2) *Methods for Chemical Analysis of Water and Wastes*, March 1979, Technical Report No. EPA 600-4-79-020, Environmental Monitoring and Support Laboratory, Office of Research and Development, United States Environmental Protection Agency, Cincinnati, Ohio 45268 (available from the National Technical Information Service, United States Department of Commerce, Springfield, Virginia 22161, Order No. PB 297686);

(3) Guidelines Establishing Test Procedures for the Analysis of Pollutants; Final Rule and Interim Final Rule and Proposed Rule, Federal Register Part VIII, EPA, Friday, October 26, 1984, 40 C.F.R. Part 136, Vol. 49, No. 209;

(4) Guidelines Establishing Test Procedures for the Analysis of Pollutants; Final Rule and Interim Final Rule and Proposed Rule; Corrections, Federal Register Part VI, EPA, Friday, January 4, 1985, 40 C.F.R. Part 136, pages 690 through 697;

(5) *Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater*, July 1982 Technical Report No. EPA 600 14-82-057, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268;

(6) methods cited in (b) of this section; or

(7) other methods of analysis approved by the department and EPA.

(d) In applying acute aquatic life criteria, a one-hour averaging period typically is used for ammonia and other fast-acting toxic substances; a 24-hour averaging period is used for all other toxic substances, unless otherwise specified by the department. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.070
AS 46.03.050 AS 46.03.080

Editor's note: Federally-promulgated water quality standards for the State of Alaska regarding toxic substances, including human health criteria and acute and chronic aquatic life criteria, are found at 40 C.F.R. 131.36 (1996).

The revisions to 18 AAC 70.020, effective November 1, 1997, did not include any changes to water quality criteria previously set out in 18 AAC 70.020.

18 AAC 70.025. HUMAN HEALTH RISK LEVEL FOR CARCINOGENIC SUBSTANCES. After November 1, 1997, when, to protect human health, the department adopts water quality criteria for a carcinogenic substance, the criteria will be based on a lifetime incremental cancer risk level of 1 in 100,000 for exposed individuals. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.070
AS 46.03.050 AS 46.03.080

Editor's note: The substance of 18 AAC 70.025 was previously found in 18 AAC 70.022. The comprehensive revision and reorganization of this chapter, effective November 1, 1997, did not include any changes to water quality criteria for carcinogenic substances previously set out in this chapter.

18 AAC 70.030. WHOLE EFFLUENT TOXICITY LIMIT. (a) An effluent discharged to a water may not impart chronic toxicity to aquatic organisms, expressed as 1.0 chronic toxic unit, at the point of discharge, or if the department authorizes a mixing zone in a permit, approval, or certification, at or beyond the mixing zone boundary, based on the minimum effluent dilution achieved in the mixing zone. If the department determines that an effluent has reasonable potential to cause or contribute to exceedance of this limit, the department will require whole effluent toxicity testing as a condition of a permit, approval, or certification. The permittee shall use methods and species approved by the United States Environmental Protection Agency in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (2d ed. 1989) (Office of Research and Development, Cincinnati, OH, EPA-600/4-89/001), *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms* (1988) (Office of Research and Development, Cincinnati, Ohio, EPA-600/4-87/028), and *Supplement to "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Surface Waters to Freshwater Organisms"* (September 1989) (Office of Research and Development, Cincinnati, Ohio, EPA-600/4-89/001a, Revision 1), or alternate methods and species approved by the department that provide equivalent estimates of chronic toxicity. The department will, in its discretion, require that the testing use sensitive and biologically important life stages of indigenous species.

(b) In this section, "chronic toxic unit" means an expression of the chronic toxicity of an effluent, determined as (100/NOEC), where NOEC, the "No Observed Effects Concentration," is the highest tested percentage concentration of an effluent, established by direct testing of toxicity to aquatic organisms, that causes no observable adverse effects, including effects on growth, development, behavior, reproduction, or survival, over a test duration that generally is one-tenth or more of the lifespan of the test organism. Other equivalent chronic toxicity endpoints approved by the department, such as the "25 percent Inhibition Concentration (IC₂₅)", may be used in place of NOEC, and may incorporate shorter test durations. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.070
AS 46.03.050 AS 46.03.080

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18 AAC 70.040. PROCEDURE FOR APPLYING WATER QUALITY CRITERIA.

In applying the appropriate water quality criteria for any waterbody or portion of a waterbody, the department will use the following procedure:

(1) if a waterbody is protected for more than one use class under 18 AAC 70.050 or 18 AAC 70.230(e), the most stringent water quality criteria for all the included use classes will apply;

(2) at the boundary between waters protected for different use classes under 18 AAC 70.050 or 18 AAC 70.230(e), the water quality criteria for the more stringent use class will apply; and

(3) in estuaries, where the fresh and marine water quality criteria differ within the same use class, the standard will be determined on the basis of salinity; however, the marine water quality criteria will apply for

and (A) dissolved oxygen if the salinity is one part per thousand or greater;

(B) fecal coliform bacteria if the salinity is 10 parts per thousand or greater. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.070 AS 46.03.080

18 AAC 70.050. CLASSIFICATION OF STATE WATER. Except as specified in 18 AAC 70.230(e), state water is protected for the following use classes:

(1) fresh water - Classes (1)(A), (1)(B), and (1)(C);

(2) groundwater - Class (1)(A);

(3) marine water - Classes (2)(A), (2)(B), (2)(C), and (2)(D). (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.070
AS 46.03.050 AS 46.03.080

ARTICLE 2. EXCEPTIONS TO STATEWIDE STANDARDS.

Section

- 200. Short-term variance
- 210. Zones of deposit
- 220. Thermal discharges
- 230. Procedure for reclassification; reclassified waters
- 235. Site-specific criteria
- 236. Waterbodies subject to site-specific criteria
- 240. Mixing zones: department authorization
- 245. Mixing zones: appropriateness and size determination
- 250. Mixing zones: general conditions
- 255. Mixing zones: in-zone quality and size specifications
- 260. Mixing zones: application requirements
- 270. Mixing zones: termination, modification, or denial of renewal

18 AAC 70.200. SHORT-TERM VARIANCE. (a) In its discretion, the department will grant a short-term variance from the antidegradation policy standard of 18 AAC 70.015 or the water quality criteria of 18 AAC 70.020(b) for

(1) a one-time, temporary activity that is a nonpoint source of water pollution;
and

(2) a temporary activity associated with the placement of dredged or fill material affecting a specific waterbody.

(b) The department will grant a short-term variance only if an applicant shows to the department's satisfaction that

(1) wastes or substances that might adversely affect water quality are controlled, using methods the department finds most effective;

(2) the activity will be conducted in a manner to mitigate water quality impacts, using methods the department finds most effective; and

(3) the activity, when completed, will not cause a long-term, chronic, or recurring violation of the water quality standards.

(c) The department will, in its discretion, grant a short-term variance by geographic area or project, or for a specific event. The term of a variance will be as short as practicable, and will, at the latest, expire when the project is completed.

(d) A person seeking a short-term variance shall submit a written request and proceed in accordance with 18 AAC 15.020 - 18 AAC 15.100. The request must state the

(1) location, time, duration, and type of activity for which the variance is sought;

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- (2) reasons why the activity is required;
- (3) areal extent and quantified degree of variance from the applicable criteria;
- (4) detailed construction and operating plans, including water pollution control and mitigation measures; and
- (5) activity's estimated impact on the uses of the water involved, including recreation and use for habitat, rearing, growth, or migration by fish, shellfish, other aquatic life, and wildlife.

(e) The department will, in its discretion, treat an application for a permit under Sec. 404 of the Clean Water Act as an application for a short-term variance. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.070 AS 46.03.080

18 AAC 70.210. ZONES OF DEPOSIT. (a) The department will, in its discretion, issue or certify a permit that allows deposit of substances on the bottom of marine waters within limits set by the department. The water quality criteria of 18 AAC 70.020(b) and the antidegradation requirement of 18 AAC 70.015 may be exceeded in a zone of deposit. However, the standards must be met at every point outside the zone of deposit. In no case may the water quality standards be violated in the water column outside the zone of deposit by any action, including leaching from, or suspension of, deposited materials. Limits of deposit will be defined in a short-term variance issued under 18 AAC 70.200 or a permit issued or certified under 18 AAC 15.

(b) In deciding whether to allow a zone of deposit, the department will consider, to the extent the department determines to be appropriate,

- (1) alternatives that would eliminate, or reduce, any adverse effects of the deposit;
- (2) the potential direct and indirect impacts on human health;
- (3) the potential impacts on aquatic life and other wildlife, including the potential for bioaccumulation and persistence;
- (4) the potential impacts on other uses of the waterbody;
- (5) the expected duration of the deposit and any adverse effects; and
- (6) the potential transport of pollutants by biological, physical, and chemical processes.

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(c) The department will, in its discretion, require an applicant to provide information that the department considers necessary to adequately assess (b)(1)-(6) of this section. In all cases, the burden of proof for providing the required information is on the person seeking to establish a zone of deposit. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.080 AS 46.03.110
AS 46.03.070 AS 46.03.100

18 AAC 70.220. THERMAL DISCHARGES. Under section 316(a) of the Clean Water Act, if the owner or operator of a thermal discharge source, after opportunity for public hearing, can show to the department's satisfaction that application of the temperature criterion in 18 AAC 70.020 is more stringent than needed to assure the protection and propagation of diverse indigenous and anadromous populations of aquatic life in waters to which the discharge would occur, the department will, in its discretion, apply a new temperature criterion to the waterbody affected. The new criterion will assure the protection and propagation of diverse indigenous and anadromous populations of aquatic life, and other wildlife, in and on that waterbody, according to its protected use classes. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.070 AS 46.03.080

18 AAC 70.230. PROCEDURE FOR RECLASSIFICATION; RECLASSIFIED WATERS. (a) At least once each year, the department will hold one or more public hearings for the purpose of reviewing the classification of state water under 18 AAC 70.050 or (e) of this section. The department will consider information obtained from that process, and from other sources considered appropriate by the department, in determining whether to proceed with reclassification of state water under (b) of this section.

(b) Before changing 18 AAC 70.050 or (e) of this section to reclassify state water, the department will hold at least one public hearing and otherwise comply with 40 C.F.R. Part 131, as amended through August 15, 1997, and other applicable state and federal statutes and regulations.

(c) An interested person may petition the department to adopt or repeal a classification of state water under 18 AAC 70.050 or (e) of this section in accordance with AS 44.62.220 - 44.62.230.

(d) The following water may not be reclassified under this chapter:

(1) water in areas administered under the National Wilderness Preservation System under 16 U.S.C. 1131-1136;

(2) water in state and national parks, national preserves and monuments, national recreation areas, and national wildlife refuges;

(3) wild and scenic rivers established under 16 U.S.C. 1271-1287.;

(4) marine sanctuaries established under 16 U.S.C. 1431-1445b;

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- (5) estuarine sanctuaries established under 16 U.S.C. 4151-1464.;
- (6) water in critical habitat areas established under AS 16.20.220 - 16.20.270;

(7) water in Land Use Designation (LUD) II areas established by the United States Forest Service under 16 U.S.C. 471a-545b.

(e) Specific state water reclassified under this section is protected only for the designated use class shown, as follows:

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18 AAC 70.230(e)		LATITUDE LONGITUDE**	LOCATION	DESIGNATED USE CLASS	REACH OF WATER AFFECTED
WATERSHED					
TYPE/NAME	NUMBER*				
(1) Amy Creek	19040509	65°32'30"N 148°26'55"W	Near Livengood	(1)(A)(i) (1)(A)(iii) (1)(A)(iv) (1)(B)(ii) (1)(C)	Headwaters of Amy Creek to its confluence with Livengood Creek
(2) Chena River	19040506	64°47'45"N 147°54'45"W	Near Fairbanks	(1)(A)(ii) (1)(A)(iii) (1)(A)(iv) (1)(B) (1)(C)	Confluence of Chena River and Chena Slough to the confluence of Chena River and Tanana River
(3) Connie Creek	19050404	68°04'04"N 162°49'09"W	Near Red Dog Mine	(1)(A)(iv) (1)(B)(i)*** (1)(B)(ii)**** (1)(C)	Tributary of Middle Fork Red Dog Creek
(4) Franklin Creek	19040509	65°33'07"N 148°30'08"W	Near Livengood	(1)(A)(iv)	Headwaters of Franklin Creek to Hess Creek Dam/reservoir diversion ditch
(5) Gertrude Creek	19040509	65°32'05"N 148°30'05"W	Near Livengood	(1)(A)(i) (1)(A)(iv) (1)(B)(ii) (1)(C)	Headwaters of Gertrude Creek to its confluence with Livengood Creek
(6) Heine Creek	19040509	65°33'60"N 148°25'12"W	Near Livengood	(1)(A)(iv) (1)(C)	Headwaters of Heine Creek to Hess Creek Dam/reservoir diversion ditch
(7) Hilltop Creek	19050404	68°03'47"N 162°49'12"W	Near Red Dog Mine	(1)(A)(iv) (1)(B)(ii)****	Tributary of Middle Fork Red Dog Creek
(8) Ikalukrok Creek	19050404	67°53'26"N 163°37'18"W	Near Red Dog Mine	(1)(A)(iv) (1)(B)(i)*** (1)(B)(ii) (1)(C)	Confluence with Red Dog Creek to confluence with the Wulik River

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18 AAC 70.230(e)		LATITUDE LONGITUDE**	LOCATION	DESIGNATED USE CLASS	REACH OF WATER AFFECTED
WATERSHED					
TYPE/NAME	NUMBER*				
(9) Isabell Creek (Upper)	19040509	65°32'22"N 148°31'10"W	Near Livengood	(1)(A)(iv)	Headwaters of Isabell Creek to Hess Creek Dam road crossing
(10) Isabell Creek (Diversion)	19040509	65°34'35"N 148°23'26"W	Near Livengood	(1)(A)(iv) (1)(C)	Hess Creek Dam road crossing to Hess Creek Dam/reservoir diversion ditch
(11) Lillian Creek	19040509	65°30'40"N 148°34'23"W	Near Livengood	(1)(A)(iv)	Headwaters of Lillian Creek to its confluence with Livengood Creek
(12) Lucille Creek	19040509	65°32'25"N 148°27'25"W	Near Livengood	(1)(A)(iv)	Headwaters of Lucille Creek to its confluence with Livengood Creek
(13) Nolan Creek and all its tributaries excluding Acme Creek	19040601	67°27'35"N 150°14'49"W	Near Wiseman	(1)(A)(iv)	Headwaters of Nolan Creek to its con- fluence with Wiseman Creek, and from the headwaters of each tributary of Nolan Creek to its confluence with Nolan Creek excluding Acme Creek
(14) Olive Creek (Upper)	19040509	65°29'27"N 148°30'08"W	Near Livengood	(1)(A)(iv)	Headwaters of Olive Creek to 1.5 miles above its confluence with the Tolovana River
(15) Olive Creek (Lower)	19040509	65°28'18"N 148°30'53"W	Near Livengood	(1)(A)(i) (1)(A)(iii) (1)(A)(iv) (1)(B)(i) (1)(B)(ii) (1)(C)	1.5 miles above the confluence with the Tolovana River to its confluence with the Tolovana River
(16) Rachael Creek	19050404	68° 03'47"N 162°49'12"W	Near Red Dog Mine	(1)(A)(iv) (1)(B)(i)*** (1)(B)(ii)**** (1)(C)	Tributary of Middle Fork Red Dog Creek
(17) Ready Bullion	19040509	65°29'43"N	Near Livengood	(1)(A)(i)	Headwaters of Ready Bullion Creek to its

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18 AAC 70.230(e)		LATITUDE LONGITUDE**	LOCATION	DESIGNATED USE CLASS	REACH OF WATER AFFECTED
WATERSHED					
TYPE/NAME	NUMBER*				
Creek		148°35'30"W		(1)(A)(iii) (1)(A)(iv) (1)(B)(ii) (1)(C)	confluence with Livengood Creek
(18) Red Dog Creek (Main Stem)	19050404	68°05'23"N 162°56'48"W	Near Red Dog Mine	(1)(A)(iv) (1)(B)(i)*** (1)(B)(ii) (1)(C)	Confluence with North Fork Red Dog Creek to confluence with Ikalukrok Creek
(19) Red Dog Creek (Upper Middle Fork)	19050404	68° 04'32"N 162°51'21"W	Near Red Dog Mine	(1)(A)(iv)	Headwaters to terminus of the Red Dog Mine Water Management System
(20) Red Dog Creek (Lower Middle Fork)	19050404	68°05'02"N 162°53'04"W	Near Red Dog Mine	(1)(A)(iv) (1)(B)(i)*** (1)(B)(ii)****	Terminus of the Red Dog Mine Water Management System to confluence with North Fork Red Dog Creek
(21) Ruth Creek	19040509	65°31'26"N 148°32'30"W	Near Livengood	(1)(A)(iv)	Headwaters of Ruth Creek to its confluence with Livengood Creek
(22) Shelly Creek	19050404	68°04'19"N 162°49'26"W	Near Red Dog Mine	(1)(A)(iv) (1)(B)(i)*** (1)(B)(ii)**** (1)(C)	Tributary of Middle Fork Red Dog Creek
(23) Steel Creek	19040509	65°28'12"N 148°24'50"W	Near Livengood	(1)(A)(i) (1)(A)(iii) (1)(A)(iv) (1)(B)(ii) (1)(C)	Headwaters of Steel Creek to its confluence with the Tolovana River
(24) Sulfur Creek	19050404	68°04'32"N 162°50'15"W	Near Red Dog Mine	(1)(A)(iv) (1)(B)(i)*** (1)(B)(ii)**** (1)(C)	Tributary of Middle Fork Red Dog Creek

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18 AAC 70.230(e)		LATITUDE LONGITUDE**	LOCATION	DESIGNATED USE CLASS	REACH OF WATER AFFECTED
WATERSHED					
TYPE/NAME	NUMBER*				
(25) Wonder Creek	19040509	65°33'33"N 148°27'21"W	Near Livengood	(1)(A)(iv) (1)(C)	Headwaters of Wonder Creek to Hess Creek Dam/reservoir diversion ditch

* Watershed numbers refer to watersheds established by the United States Department of Interior, Geological Survey "Hydrologic Unit Map - 1987 State of Alaska," adopted by reference. This document is for sale by the United States Geological Survey, Fairbanks, Alaska 99701; Denver, Colorado 80225; or Reston, Virginia 22092. This document is on file in the Lieutenant Governor's Office and may be seen at the department's Anchorage, Fairbanks, and Juneau offices.

** River latitudes and longitudes are set at the downstream end of the affected river reach.

*** Protected for contact recreation, wading only.

**** Protected for secondary recreation, except fishing.

(Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.070 AS 46.03.080

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18 AAC 70.235. SITE-SPECIFIC CRITERIA. (a) The department will, in its discretion, establish a site-specific water quality criterion that modifies a water quality criterion set out in 18 AAC 70.020(b)

- (1) in a permit, certification, or approval as described in (b) of this section; or
- (2) in regulation as described in (c) of this section.

(b) If the department finds that a natural condition of a waterbody is demonstrated to be of lower quality than a water quality criterion for the use classes and subclasses in 18 AAC 70.020(b) and that the natural condition will fully protect designated uses in 18 AAC 70.020(b), the natural condition constitutes the applicable water quality criterion. Upon application or on its own initiative, the department will determine whether a natural condition of a waterbody should be approved as a site-specific water quality criterion in a permit, certification, or approval issued by the department. Before making the determination, the department will issue public notice of a proposed approval under this subsection and provide opportunity for public comment. If a natural condition of a waterbody varies with time, the natural condition will be determined to be the prevailing highest quality natural condition of the waterbody measured during an annual, season, or shorter time period before discharge or operation, or as the actual natural condition of the waterbody measured concurrent with discharge or operation. The department will, in its discretion,

- (1) determine a natural condition for one or more seasonal or shorter periods to reflect variable ambient conditions; and
- (2) require additional or continuing monitoring of natural conditions.

(c) Upon application, or on its own initiative, the department will, in its discretion, set site-specific criteria in regulation if the department finds that the evidence reasonably demonstrates that the site-specific criterion will fully protect designated uses in 18 AAC 70.020(b) and that

- (1) for reasons specific to a certain site, a criterion in 18 AAC 70.020(b) is more stringent or less stringent than necessary to ensure full protection of the corresponding use class; or
- (2) a criterion would be better expressed in terms different from those used in 18 AAC 70.020(b).

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(d) The department will set a site-specific criterion under (c) of this section for the “growth and propagation of fish, shellfish, other aquatic life, and wildlife” use classes in 18 AAC 70.020(a)(1)(C) and 18 AAC 70.020(a)(2)(C) only if the department finds that the evidence is sufficient to reasonably demonstrate that

(1) the species or habitats present, or expected to be present under natural conditions, are more sensitive or less sensitive to a substance than indicated by the criterion, and a site-specific criterion is required to prevent adverse effects or to alleviate an unnecessarily restrictive general criterion; or

(2) the natural characteristics of the receiving environment would increase or reduce the biological availability or the toxicity of a substance, or otherwise alter the substance, and a site-specific criterion is required to prevent adverse effects or to alleviate unnecessarily restrictive general criterion.

(e) An applicant seeking a site-specific criterion under this section shall provide all information that the department determines is necessary to modify an existing criterion. The department will, in a timely manner, request and review for completeness, information submitted under this subsection. In all cases, the burden of proof is on the applicant seeking a site-specific criterion. (Eff. 11/1/97, Register 143)

Authority:	AS 46.03.010	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.090	AS 46.03.710
	AS 46.03.050	AS 46.03.100	AS 46.03.720
	AS 46.03.070		

18 AAC 70.236. WATERBODIES SUBJECT TO SITE-SPECIFIC CRITERIA.

(a) Under 18 AAC 70.235, the department has established site-specific criteria that modify certain general criteria set out in 18 AAC 70.020(b) for the waterbodies listed in (b) of this section. The site-specific criteria apply only to the affected designated use class indicated in (b) of this section. All other criteria set out in 18 AAC 70.020(b) continue to apply to the waterbodies listed in (b) of this section.

(b) Waterbodies subject to site-specific criteria, and the applicable site-specific criteria, are:

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		downstream end of the affected river reach.		tidewater (approximately 1.5 miles)		(1)(A)(iii) (1)(C)	200 mg/l. Sulfates associated with magnesium and sodium may not exceed 200 mg/l. TDS may not exceed 1,000 mg/l. TDS may not exceed 1,000 mg/l.
(4) Cook Inlet	19020401*	61°12' 22.5" N 150°01' 8.7" W (end of outfall pipe for Municipality of Anchorage wastewater treatment plant)	Vicinity of Point Woronzof, Anchorage	see footnote***	Arsenic ****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	36 µg/l (chronic) 69 µg/l (acute) measured as dissolved metal
					Cadmium ****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	9.3 µg/l (chronic) 42 µg/l (acute) measured as dissolved metal

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					Chromium VI ****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	50 µg/l (chronic) 1100 µg/l (acute) measured as dissolved metal
					Copper****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	3.1 µg/l (chronic) 4.8 µg/l (acute) measured as dissolved metal
					Lead****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	8.1 µg/l (chronic) 210 µg/l (acute) measured as dissolved metal
					Mercury****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	0.025 µg/l (chronic) 1.8 µg/l (acute) measured as dissolved metal
					Nickel****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	8.2 µg/l (chronic) 74 µg/l (acute) measured as dissolved metal
					Selenium****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	71 µg/l (chronic) 290 µg/l (acute) measured as dissolved metal
					Silver****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	1.9 µg/l (acute) measured as dissolved metal
					Zinc****	(2)(A)(i), (2)(A)(ii) (2)(B)(i) (2)(C) & (2)(D)	81 µg/l (chronic) 90 µg/l (acute) measured as dissolved metal
					Turbidity	(2)(A)(i), (2)(B)(i) (2)(B)(ii) (2)(C) & (2)(D)	May not exceed the natural condition

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* Watershed numbers refer to watersheds established by the United States Department of Interior, Geological Survey, "Hydrologic Unit Map - 1987 State of Alaska," adopted by reference in 18 AAC 70.230; information about how to obtain this document is set out in the footnote to the table in 18 AAC 70.230(e).

** River latitudes and longitudes are set at the downstream end of the affected river reach.

*** Upper Cook Inlet in the vicinity of Point Woronzof, an area bounded by the constriction of Knik Arm at Cairn Point to the northeast, by the southern shoreline of Cook Inlet southwest to Point Campbell, by a line from Point Campbell to the northeast end of Fire Island, by a line due north from the northeast end of Fire Island to the northern shoreline of Cook Inlet at a point east of the mouth of the Little Susitna River, by the northern shoreline of upper Cook Inlet north and east to a point directly west of Cairn Point; and from that point by a line due east to Cairn Point; a map of the area subject to these site-specific criteria is available at the department's offices in Anchorage, Fairbanks, and Juneau.

**** This metal is a toxic substance as defined in 18 AAC 70.990, and falls under the parameter of "Toxics and Other Deleterious Organic and Inorganic Substances" in 18 AAC 70.020(b). (Eff. 12/12/97, Register 144; am 3/1/98, Register 145; am 4/24/99, Register 150)

Authority: AS 46.03.020 AS 46.03.070 AS 46.03.080
AS 46.03.050

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18 AAC 70.240. MIXING ZONES: DEPARTMENT AUTHORIZATION. (a) The water quality criteria and limits set by or under this chapter may be exceeded within a mixing zone authorized by the department. In applying the water quality criteria and limits set by or under this chapter the department will, in its discretion, upon application, authorize a mixing zone in a discharge permit, certification, or order. The department will authorize a mixing zone only if the department finds that available evidence reasonably demonstrates that

(1) the applicable requirements of this chapter will be met;

(2) the mixing zone will be as small as practicable; and

(3) an effluent or substance will be treated to remove, reduce, and disperse pollutants, using methods found by the department to be the most effective and technologically and economically feasible, consistent with the highest statutory and regulatory treatment requirements.

(b) Ongoing compliance with 18 AAC 70.240 - 18 AAC 70.270 is a condition of any permit, certification, or order of the department authorizing a mixing zone. (Eff. 11/1/97, Register 143)

Authority:	AS 46.03.010	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.090	AS 46.03.710
	AS 46.03.050	AS 46.03.100	AS 46.03.720
	AS 46.03.070		

18 AAC 70.245. MIXING ZONES: APPROPRIATENESS AND SIZE DETERMINATION. (a) In determining the appropriateness and size of a mixing zone, the department will ensure that existing uses of the waterbody outside the mixing zone are maintained and fully protected so that any discharge will

(1) neither partially nor completely eliminate an existing use of the waterbody outside the mixing zone; and

(2) not impair the overall biological integrity of the waterbody.

(b) In making a determination under this section, the department will consider

(1) the physical, biological, and chemical characteristics of the receiving water, including volume and flow rate;

(2) the effects that the discharge might have on the uses of the receiving water;

(3) the flushing and mixing characteristics of the receiving water;

(4) effluent treatment technology requirements under federal or state law;

(5) the characteristics of the effluent, including volume, flow rate, dispersion, and quality after treatment;

(6) methods to analyze and model near-field and far-field mixing; and

(7) the cumulative effects of multiple mixing zones and diffuse, nonpoint source inputs located within, or affecting, the receiving water. (Eff. 11/1/97, Register 143)

Authority:	AS 46.03.020	AS 46.03.080	AS 46.03.110
	AS 46.03.050	AS 46.03.100	AS 46.03.710
	AS 46.03.070		

18 AAC 70.250. MIXING ZONES: GENERAL CONDITIONS. (a) The department will not authorize

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a mixing zone if the department finds that available evidence reasonably demonstrates that

(1) the pollutants discharged could

(A) bioaccumulate, bioconcentrate, or persist above natural levels in sediments, water, or biota to significantly adverse levels, based on consideration of bioaccumulation and bioconcentration factors, toxicity, and exposure;

(B) be expected to cause carcinogenic, mutagenic, or teratogenic effects on, or otherwise present a risk to, human health; when evaluating a discharge under this paragraph, the department will, in its discretion, require the applicant to perform a department-approved, site-specific analysis based on exposure pathways, including exposure duration of affected aquatic organisms in the proposed mixing zone and patterns of fisheries use and consumption of water, fish, or shellfish in the area; in the absence of a site-specific analysis, the evaluation of a discharge under this paragraph will be based on the most protective assumptions, as determined by the department, regarding exposure pathways, including exposure duration of affected aquatic organisms in the proposed mixing zone and patterns of fisheries use and consumption of water, fish, or shellfish in the area; or

(C) otherwise create a public health hazard through encroachment on water supply or contact recreation uses of the waterbody;

(2) there could be

(A) an adverse impact on anadromous or resident fish or shellfish spawning or rearing;

(B) a barrier formed to migratory species;

(C) failure to provide a zone of passage; or

(D) an adverse effect on threatened or endangered species;

(3) flushing or mixing of the waterbody is not adequate to ensure full protection of uses of the waterbody outside the proposed mixing zone; or

(4) there could be an environmental effect, or damage to the ecosystem that the department considers to be so adverse that a mixing zone is not appropriate.

(b) The department will reduce in size or deny a mixing zone if the department finds that available evidence reasonably demonstrates that the pollutants discharged could

(1) result in undesirable or nuisance aquatic life;

(2) produce objectionable color, taste, or odor in aquatic resources harvested for human consumption; or

(3) preclude or limit established processing activities or commercial, sport, personal-use, or subsistence fish and shellfish harvesting.

(c) For purposes of this section, the department will find that something “could” happen if the department determines that it is reasonably expected to occur. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.080 AS 46.03.110
AS 46.03.050 AS 46.03.100 AS 46.03.710
AS 46.03.070

18 AAC 70.255. MIXING ZONES: IN-ZONE QUALITY AND SIZE SPECIFICATIONS. (a) The

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size, location, or other limits of a mixing zone set by or under this chapter will be established in a discharge permit, certification, or order issued by the department under the appropriate chapter in this title.

(b) Water quality criteria must be met at the boundary of the mixing zone. A discharge may not cause or reasonably be expected to cause

(1) lethality to passing organisms in the mixing zone; or

(2) a toxic effect in the water column, sediments, or biota outside the boundaries of the mixing zone.

(c) Human health and chronic aquatic life criteria apply at and beyond the boundaries of the mixing zone.

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(d) Acute aquatic life criteria apply at and beyond the boundaries of a smaller initial mixing zone surrounding the outfall. The smaller initial mixing zone for application of acute criteria must be sized to prevent lethality to passing organisms. Methods for calculating the boundaries of the smaller initial mixing zone for application of acute criteria, unless otherwise specified by the department, must follow procedures under Alternatives 2, 3, or 4 in Section 5.1.2 of the United States Environmental Protection Agency's Water Quality Standards Handbook, Second Edition, August 1994, EPA-823-B-94-005a.

(e) Unless the department finds that evidence is sufficient to reasonably demonstrate, in accordance with this section, that the size limitations of a mixing zone can be safely increased, a mixing zone must comply with the following size restrictions:

(1) for estuarine and marine waters, measured at mean lower low water,

(A) the cumulative linear length of all mixing zones intersected on any given cross section of an estuary, inlet, cove, channel, or other marine water may not exceed 10 percent of the total length of that cross section; and

(B) the total horizontal area allocated to mixing zones may not exceed 10 percent of the surface area;

(2) for lakes, the total horizontal area allocated to all mixing zones may not exceed 10 percent of the lake's surface area; and

(3) for streams, rivers, or other flowing fresh waters, subject to (f), (g), and (h) of this section, the length of a mixing zone may not extend downstream beyond the limits described in (A) or (B) of this paragraph, whichever is closer to the point of discharge, as follows:

(A) beyond the computed point where the variation in the concentration of a water quality parameter across a stream, river, or other flowing fresh water is predicted to be less than five percent, as determined using a standard river flow mixing model accepted by the department; or

(B) beyond the location where the department determines that a public health hazard reasonably could be expected to occur.

(f) For streams, rivers, or other flowing fresh waters subject to (e)(3) of this section, in calculating the maximum pollutant discharge limitations, the volume of flow available for dilution must be determined using

(1) the actual flow as determined by gauging data collected concurrent with the discharge; or

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(2) for conventional or nontoxic substances, the default 2-year, 3-day low flow (3Q2) appropriate to the period of discharge; for toxic substances, the 10-year, 7-day low flow (7Q10) as the chronic criteria design flow and the 10-year, 1-day (1Q10) as the acute criteria design flow for protection of aquatic life; for carcinogens, the harmonic mean flow as the design flow for the protection of human health; these low flows must be calculated using methods of Ashton and Carlson, *Determination of Seasonal, Frequency and Durational Aspects of Streamflow with Regard to Fish Passage Through Roadway Drainage Structures* (1984), Carlson, *Seasonal, Frequency and Durational Aspects of Streamflow in Southeast and Coastal Alaska* (1987), or another appropriate regional regression flow model approved by the department; numeric water quality criteria apply at all design flows that are equal to or greater than these critical low flows.

(g) For streams, rivers, or other flowing fresh waters subject to (e)(3) of this section, a mixing zone may not result in

- (1) permanent or irreparable displacement of indigenous organisms; or
- (2) a reduction in fish or shellfish population levels.

(h) For streams, rivers, or other flowing fresh waters subject to (e)(3) of this section, a mixing zone will not be authorized in an area of

- (1) anadromous fish spawning; or
- (2) resident fish spawning redds for Arctic grayling, northern pike, rainbow trout, lake trout, brook trout, cutthroat trout, whitefish, sheefish, Arctic char (Dolly Varden), burbot, and landlocked coho, king, and sockeye salmon. (Eff. 11/1/97, Register 143)

Authority:	AS 46.03.020	AS 46.03.080	AS 46.03.110
	AS 46.03.030	AS 46.03.100	AS 46.03.710
	AS 46.03.070		

18 AAC 70.260. MIXING ZONES:APPLICATION REQUIREMENTS. An applicant requesting a mixing zone shall provide to the department all available evidence reasonably necessary for a decision, including the information and demonstrations required by 18 AAC 70.240 - 18 AAC 70.270 and other information the department determines is necessary to meet the requirements of 18 AAC 70.240 - 18 AAC 70.270. The burden of proof for justifying a mixing zone through demonstrating compliance with the requirements of 18 AAC 70.240 - 18 AAC 70.270 rests with the applicant. The department will, in a timely manner, request and review for completeness, information submitted under this section. (Eff. 11/1/97, Register 143)

Authority:	AS 46.03.020	AS 46.03.080	AS 46.03.110
	AS 46.03.030	AS 46.03.100	AS 46.03.710
	AS 46.03.070		

18 AAC 70.270. MIXING ZONES: TERMINATION, MODIFICATION, OR DENIAL OF RENEWAL. If the department finds that available evidence reasonably demonstrates that a mixing zone authorized by the department has a significant unforeseen adverse environmental effect, the department will terminate, modify, or deny renewal of a permit, certification, or order authorizing the mixing zone. (Eff. 11/1/97, Register 143)

Authority:	AS 46.03.010	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.090	AS 46.03.710
	AS 46.03.050	AS 46.03.100	AS 46.03.720
	AS 46.03.070		

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ARTICLE 3. GENERAL PROVISIONS.

Section

- 900. Enforcement discretion
- 990. Definitions

18 AAC 70.900. ENFORCEMENT DISCRETION. In determining whether to initiate an enforcement action on a water quality violation, the department will consider whether the activity in question was conducted in compliance with

(1) permit conditions established in accordance with AS 46.03.100 or 46.03.110(e), and with 18 AAC 15;

(2) engineering plans approved in accordance with AS 46.03.720; or

(3) best management practices as determined by the department. (Eff. 11/1/97, Register 143)

Authority: AS 46.03.020 AS 46.03.050

18 AAC 70.990. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(1) "acute" means of, relating to, or resulting from a level of toxicity of a substance, a substance combination, or an effluent sufficient to produce observable lethal or sublethal effects in aquatic organisms exposed for short periods of time, typically 96 hours or less;

(2) "anadromous fish" has the meaning given that term in the definitions section of the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes, adopted by reference in 5 AAC 95.010;

(3) "apparent color" means the condition of water that results in the visual sensations of hue and intensity, due both to substances in solution and to suspended matter;

(4) "aquaculture" means the cultivation of aquatic plants or animals for human use or consumption;

(5) "available evidence" means all relevant and applicable data and information the applicant has or can obtain, and all relevant and applicable data and information available to the department from other sources; "available evidence" does not include data and information that the collection or preparation of which, in the department's determination, is not practicable.

(6) "bioaccumulation" means the ability of a substance or chemical to be taken up by an organism either directly from exposure to a contaminated medium or by consumption of food containing the substance or chemical;

(7) "bioconcentration" means the ability of a substance or chemical to be absorbed from water through gills or epithelial tissue and concentrate in the body of an organism;

(8) "boundary" means a line or landmark that serves to clarify, outline, or mark a limit, border, or interface;

(9) "carcinogenic" means a substance that is expected to cause cancer in aquatic life or, for human health purposes, that is classified as a Group A or Group B carcinogen according to the United States Environmental Protection Agency *Guidelines for Carcinogen Risk Assessment*, 51 Fed. Reg. 33992, 33999 - 34000 (1986), adopted by reference; Group A includes substances that have been shown to cause cancer in humans; Group B, based on

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epidemiologic and other studies, includes "probable human carcinogens" and is divided between

(A) "B1", for which there is limited evidence of carcinogenicity in humans; and

(B) "B2", for which there is sufficient evidence of carcinogenicity in animals, but inadequate or no evidence of carcinogenicity in humans from epidemiologic studies;

(10) "certification" means the certificate of reasonable assurance the department may issue under 33 U.S.C. 1341 (Clean Water Act, sec. 401), as amended through February 4, 1987;

(11) "chronic" means of, relating to, or resulting from a level of toxicity of a substance, a substance combination, or an effluent sufficient to produce observable lethal or sublethal effects, including effects on growth, development, behavior, reproduction, or survival, in aquatic organisms exposed for a period of time that generally is one-tenth or more of their life span;

(12) "Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 - 1387), as amended through February 4, 1987;

(13) "color" means the condition that results in the visual sensations of hue and intensity as measured after turbidity is removed;

(14) "commissioner" means the commissioner of the Department of Environmental Conservation, or the commissioner's designee;

(15) "compensation point for photosynthetic activity" means the point at which incident light penetration allows plankton to photosynthetically produce enough oxygen to balance their respiration requirements;

(16) "contact recreation" means activities in which there is direct and intimate contact with water, including wading, swimming, diving, water skiing, and any intimate contact with water directly related to shoreline activities;

(17) "criterion" means a set concentration or limit of a water quality parameter that, when not exceeded, will protect an organism, a population of organisms, a community of organisms, or a prescribed water use with a reasonable degree of safety; a criterion might be a narrative statement instead of a numerical concentration or limit;

(18) "department" means the Department of Environmental Conservation;

(19) "designated uses" means those uses specified in 18 AAC 70.020 as protected use classes for each waterbody or segment, regardless of whether those uses are being attained;

(20) "dissolved oxygen" means the concentration of oxygen in water as determined either by the Winkler (iodometric) method and its modifications or by the membrane electrode method;

(21) "ecosystem" means a system made up of a community of animals, plants, and bacteria, and the system's interrelated physical and chemical environment;

(22) "effluent" means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment;

(23) "EPA" means the United States Environmental Protection Agency;

(24) "existing uses" means those uses actually attained in a waterbody on or after November 28, 1975;

(25) "fecal coliform bacteria" means those bacteria that can ferment lactose at $44.5^{\circ} \pm 0.2^{\circ}\text{C}$ to

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produce gas in a multiple tube procedure; "fecal coliform bacteria" also means all bacteria that produce blue colonies within $24 \pm$ hours of incubation at $44.5^\circ \pm 0.2^\circ\text{C}$ in an M-FC broth medium;

(26) "fish" means any of the group of cold-blooded vertebrates that live in water and have permanent gills for breathing and fins for locomotion;

(27) "grain size accumulation graph" means a plot of sediment-sieving data showing logarithm of grain size in millimeters on the horizontal axis and percent accumulation by weight (linear scale) on the vertical axis;

(28) "groundwater" means water in the zone of saturation; in this paragraph, "zone of saturation" is the zone below the water table, where all interstices are filled with water;

(29) "harmonic mean flow" means a long-term mean flow value calculated by dividing the number of daily flows analyzed by the sum of the reciprocals of those daily flows;

(30) "highest statutory and regulatory treatment requirements" means

(A) any federal technology-based effluent limitation identified in 40 C.F.R. 125.3 and 40 C.F.R. 122.29, as amended through August 15, 1997, adopted by reference;

(B) minimum treatment standards in 18 AAC 72.040; and

(C) any treatment requirement imposed under another state law that is more stringent than a requirement of this chapter;

(31) "industrial use" means use of a water supply for a manufacturing or production enterprise except food processing, and includes mining, placer mining, energy production, or development;

(32) "irreparable displacement" means a change in aquatic organism use or presence due to a decrease in water quality that is irreversible by natural processes so that the biological system will not return to a state functionally equivalent to the original after cessation of discharge;

(33) "lake" means an inland waterbody of substantial size that occupies a basin or hollow in the earth's surface and that might or might not have a current or a single direction of flow;

(34) "mean" means the average of values obtained over a specified time period and, for fecal coliform analysis, is computed as a logarithm;

(35) "mean lower low water" means the tidal datum plane of the average of the lower of the two low waters of each day, as would be established by the National Geodetic Survey, at any place subject to tidal influence;

(36) "micrograms per liter ($\mu\text{g}/\text{l}$)" means the concentration at which one millionth of a gram (10^{-6} g) is found in a volume of one liter;

(37) "milliequivalents per liter" or "meq/l" means milligrams per liter divided by the molecular weight of the chemical compound;

(38) "milligrams per liter (mg/l)" means the concentration at which one thousandth of a gram (10^{-3} g) is found in a volume of one liter; it is approximately equal to the unit "parts per million (ppm)," formerly of common use;

(39) "mixing zone" means an area in a waterbody surrounding, or downstream of, a discharge where the effluent plume is diluted by the receiving water within which specified water quality criteria may be exceeded;

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- (40) "most probable number (MPN)" means the statistic that represents the number of individuals most likely present in a given sample, based on test data;
- (41) "mutagenic" means the ability of a substance or chemical to increase the frequency or extent of a significant and basic alteration in an organism's chromosomes or genetic material as determined according to the United States Environmental Protection Agency *Guidelines for Mutagenicity Risk Assessment*, 51 Fed. Reg. 34006 (1986), adopted by reference;
- (42) "natural condition" means any physical, chemical, biological, or radiological condition existing in a waterbody before any human-caused influence on, discharge to, or addition of material to, the waterbody;
- (43) "nonpoint source" means a source of pollution other than a point source;
- (44) "oils and grease" means oils and grease as defined by the procedure used under 18 AAC 70.020(c)(1);
- (45) "persist" means the ability of a substance or chemical not to decay, degrade, transform, volatilize, hydrolyze, or photolyze;
- (46) "pH" means the negative logarithm of the hydrogen-ion concentration, expressed as moles per liter: $\text{pH} = -\log_{10} (\text{H}^+)$;
- (47) "point source" means a discernible, confined, and discrete conveyance, including a pipe, ditch, channel, tunnel, conduit, well, container, rolling stock, or vessel or other floating craft, from which pollutants are or could be discharged;
- (48) "pollution" has the meaning given in AS 46.03.900;
- (49) "practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes;
- (50) "residues" means floating solids, debris, sludge, deposits, foam, scum, or any other material or substance remaining in a waterbody as a result of direct or nearby human activity;
- (51) "secondary recreation" means recreation activities in which water use is incidental, accidental, or sensory, including fishing, boating, camping, hunting, hiking, and vacationing;
- (52) "sediment" means solid material of organic or mineral origin that is transported by, suspended in, or deposited from water; "sediment" includes chemical and biochemical precipitates and organic material, such as humus;
- (53) "settleable solids" means solid material of organic or mineral origin that is transported by and deposited from water, as measured by the volumetric Imhoff cone method and at the method detection limits specified in method 2540(F), *Standard Methods for the Examination of Water and Wastewater*, 18th edition (1992);
- (54) "sheen" means an iridescent appearance on the water surface;
- (55) "significantly adverse levels" means concentrations of pollutants that would impair the productivity or biological integrity of the overall waterbody, including reducing or eliminating the viability or sustainability of a given species or community of species in the overall waterbody;
- (56) "sodium adsorption ratio (SAR)" means the estimated degree to which sodium from a given water will be adsorbed in soil, as proposed in *Diagnosis and Improvement of Saline and Alkali Soils*, Agriculture Handbook No. 60, United States Salinity Laboratory Staff, United States Department of Agriculture, and is

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expressed as the quotient of the sodium ion concentration and the square root of half the sum of the calcium and magnesium ion concentrations:

$$\frac{(Na^+)}{\sqrt{\frac{(Ca^{++}) + (Mg^{++})}{2}}}$$

(57) "spawning" means the process of producing, emitting, or depositing eggs, sperm, seed, germ, larvae, young, or juveniles, especially in large numbers, by aquatic life;

(58) "teratogenic" means the ability of a substance or chemical to cause developmental malformations and monstrosities, as determined according to the United States Environmental Protection Agency *Guidelines for Health Assessment of Suspect Developmental Toxicants*, 51 Fed. Reg. 34028 (1986), adopted by reference;

(59) "thermocline" means a zone of water between a warmer, surface zone and a colder, deep-water zone in a thermally stratified waterbody, in which water temperature decreases rapidly with depth;

(60) "total aqueous hydrocarbons (TAqH)" means those collective dissolved and water-accommodated monoaromatic and polynuclear aromatic petroleum hydrocarbons that are persistent in the water column; "total aqueous hydrocarbons" does not include floating surface oil or grease;

(61) "total aromatic hydrocarbons (TAH)" means the sum of the following volatile monoaromatic hydrocarbon compounds: benzene, ethylbenzene, toluene, and the xylene isomers, commonly called BETX;

(62) "toxic" means of, relating to, or resulting from a substance or substance combination that causes in affected organisms or their offspring

(A) death, disease, malignancy, or genetic mutations;

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(B) abnormalities or malfunctions in growth, development, behavior, or reproduction; or

(C) other physical or physiological abnormalities or malfunctions;

(63) "toxic substances" means those substances or substance combinations, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause a toxic effect in the affected organism or its offspring; "toxic substances" includes the following substances, and any other substance identified as a toxic pollutant under 33 U.S.C. 1317(a) (Clean Water Act, sec. 307(a)):

2-chlorophenol; 2,4-dichlorophenol; 2,4-dimethylphenol; acenaphthene; acrolein; acrylonitrile; Aldrin/Dieldrin; antimony; arsenic; asbestos; benzene; benzdine; beryllium; cadmium; carbon tetrachloride; Chlordane; chlorinated benzenes; chlorinated naphthalene; chlorinated ethanes; chloroalkyl ethers; chloroform; chlorophenols; chlorophenoxy herbicides; chromium; copper; cyanide; DDT; Demeton; dichlorobenzenes; dichlorobenzidine; dichloroethylenes; dichloropropane; dichloropropene; dinitrotoluene; diphenylhydrazine; Endosulfan; Endrin; ethylbenzene; fluoranthene; Guthion; haloethers; halomethanes; Heptachlor; hexachlorobutadiene; hexachlorocyclohexane; hexachlorocyclopentadiene; isphorone; lead; Lindane; Malathion; mercury; methoxychlor; Mirex; naphthalene; nickel; nitrobenzene; nitrophenols; nitrosamines; p-dioxin; Parathion; PCBs; pentachlorophenol; phenol; phthalate esters; polynuclear aromatic hydrocarbons; selenium; silver; tetrachloroethylene; thallium; toluene; Toxaphene; trichloroethylene; vinyl chloride; and zinc;

(64) "treatment works" has the meaning given in AS 46.03.900;

(65) "turbidity" means an expression of the optical property that causes light to be scattered and absorbed rather than transmitted in straight lines through a water sample; turbidity in water is caused by the presence of suspended matter such as clay, silt, finely divided organic and inorganic matter, plankton, and other microscopic organisms;

(66) "water," "waterbody," and "waters" have the meaning given the term "waters" in AS 46.03.900;

(67) "water of the United States" has the meaning given the term "waters of the United States" in 40 C.F.R. 122.2, as amended through August 15, 1997;

(68) "water recreation" means contact recreation or secondary recreation;

(69) "water supply" means any of the waters of the state that are designated in this chapter to be protected for fresh water or marine water uses; "water supply" includes waters used for drinking, culinary, food processing, agricultural, aquacultural, seafood processing, and industrial purposes; "water supply" does not necessarily mean that water in a waterbody that is protected as a supply for the uses listed in this paragraph is safe to drink in its natural state;

(70) "wildlife" means all species of mammals, birds, reptiles, and amphibians.
(Eff. 11/1/97, Register 143)

Authority:	AS 46.03.010	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.090	AS 46.03.710
	AS 46.03.050	AS 46.03.100	AS 46.03.720
	AS 46.03.070		